



General Assembly

Substitute Bill No. 1208

January Session, 2001

AN ACT CONCERNING PUBLIC WATER COMPANY LANDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 25-32a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 As used in sections 25-32, 25-33 and 25-34, "consumer" means any
4 private dwelling, hotel, motel, boardinghouse, apartment, store, office
5 building, institution, mechanical or manufacturing establishment or
6 other place of business or industry to which water is supplied by a
7 water company; "water company" means any individual, partnership,
8 association, corporation, municipality, The University of Connecticut
9 for the purpose of sections 22a-354c, 22a-357, 25-32b, 25-32d and 25-
10 37c, or other entity, or the lessee thereof, who or which owns,
11 maintains, operates, manages, controls or employs any pond, lake,
12 reservoir, well, stream or distributing plant or system that supplies
13 water to two or more consumers or to twenty-five or more persons on
14 a regular basis provided if any individual, partnership, association,
15 corporation, municipality or other entity or lessee owns or controls
16 eighty per cent of the equity value of more than one such system or
17 company, the number of consumers or persons supplied by all such
18 systems so controlled shall be considered as owned by one company
19 for the purposes of this definition.

20 Sec. 2. Section 25-37c of the general statutes is repealed and the

21 following is substituted in lieu thereof:

22 The Department of Public Health shall adopt, in accordance with
23 chapter 54, regulations establishing criteria and performance standards
24 for three classes of water-company-owned land.

25 [(a)] (1) Class I land includes all land owned by a water company or
26 acquired from a water company through foreclosure or other
27 involuntary transfer of ownership or control which is either: [(1)] (A)
28 Within two hundred and fifty feet of high water of a reservoir or one
29 hundred feet of all watercourses as defined in agency regulations
30 adopted pursuant to this section; [(2)] (B) within the areas along
31 watercourses which are covered by any of the critical components of a
32 stream belt; [(3)] (C) land with slopes fifteen per cent or greater
33 without significant interception by wetlands, swales and natural
34 depressions between the slopes and the watercourses; [(4)] (D) within
35 two hundred feet of groundwater wells; [(5)] (E) an identified direct
36 recharge area or outcrop of aquifer now in use or available for future
37 use, or [(6)] (F) an area with shallow depth to bedrock, twenty inches
38 or less, or poorly drained or very poorly drained soils as defined by
39 the United States Soil Conservation Service that are contiguous to land
40 described in [subdivision (3) or (4) of this subsection] subparagraph
41 (C) or (D) of this subdivision and that extend to the top of the slope
42 above the receiving watercourse.

43 [(b)] (2) Class II land includes (A) all land owned by a water
44 company or acquired from a water company through foreclosure or
45 other involuntary transfer of ownership or control which is either [(1)]
46 (i) on a public drinking supply watershed which is not included in
47 class I₂ or [(2)] (ii) completely off a public drinking supply watershed
48 and which is within one hundred and fifty feet of a distribution
49 reservoir or a first-order stream tributary to a distribution reservoir
50 and (B) notwithstanding any other provisions of the general statutes,
51 for lands owed by The University of Connecticut, (i) all level A aquifer
52 protection lands that are mapped, approved and regulated pursuant to
53 chapter 446i of the general statutes that are on a public drinking

54 supply watershed that is not a class I land, or (ii) all land that is
55 completely off public drinking supply watersheds and that is within
56 one hundred and fifty feet from a distribution reservoir or first-order
57 stream tributary to a distribution reservoir.

58 [(c)] (3) Class III land includes (A) all land owned by a water
59 company or acquired from a water company through foreclosure or
60 other involuntary transfer of ownership or control which is
61 unimproved land off public drinking supply watersheds and beyond
62 one hundred and fifty feet from a distribution reservoir or first-order
63 stream tributary to a distribution reservoir, and (B) notwithstanding
64 any provision of the general statutes, for lands owned by The
65 University of Connecticut, (i) unimproved land off public drinking
66 water supply watersheds and beyond one hundred and fifty feet from
67 a distribution reservoir or first-order stream tributary to a distribution
68 reservoir, and (ii) any land that is neither class I nor class II land.

69 Sec. 3. Subsection (b) of section 25-32 of the general statutes is
70 repealed and the following is substituted in lieu thereof:

71 (b) No water company shall sell, lease, assign or otherwise dispose
72 of or change the use of any watershed lands, except as provided in
73 section 25-43c, without a written permit from the Commissioner of
74 Public Health. The commissioner shall not grant a permit for the sale,
75 lease or assignment of class I land, except as provided in subsection (d)
76 of this section, and shall not grant a permit for a change in use of class
77 I land unless the applicant demonstrates that such change will not
78 have a significant adverse impact upon the present and future purity
79 and adequacy of the public drinking water supply and is consistent
80 with any water supply plan filed and approved pursuant to section
81 25-32d. The commissioner may reclassify class I land only upon
82 determination that such land no longer meets the criteria established
83 by [subsection (a)] subdivision (1) of section 25-37c, as amended by
84 this act, because of abandonment of a water supply source or a
85 physical change in the watershed boundary. Not more than fifteen
86 days before filing an application for a permit under this section, the

87 applicant shall provide notice of such intent, by certified mail, return
88 receipt requested, to the chief executive officer and the chief elected
89 official of each municipality in which the land is situated.

Statement of Legislative Commissioners:

The subsection and subdivision indicators were changed for consistency with the general statutes and accordingly, section 3 was added.

ENV *Joint Favorable Subst.*